

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
Oxford Division**

UNITED STATES OF AMERICA ex rel.
CORI RIGSBY and KERRI RIGSBY,

SDMS Case # 1:06cv433 HSO-RHW
RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 3:18-MC-22-JMV

STATE FARM FIRE & CASUALTY
COMPANY

DEFENDANTS/COUNTER-PLAINTIFFS

**RELATORS CORI RIGSBY'S AND KERRI RIGSBY'S
MOTION TO QUASH SUBPOENAS THAT DEFENDANT STATE FARM ISSUED TO
RICHARD SCRUGGS, DAVID SCRUGGS, AND SLF, INC.
OR FOR A PROTECTIVE ORDER**

Relators Cori Rigsby and Kerri Rigsby (collectively the "Rigsbys") respectfully move this Court for an order quashing three substantively identical subpoenas that Defendant, and proven fraudfeasor, State Farm Fire & Casualty Co. ("State Farm") served upon Richard F. Scruggs, David Zachary Scruggs, and SLF, Inc. (collectively the "Scruggses"). The subpoenas pertain to claims pending in the *qui tam* action that the Rigsbys filed against State Farm under the False Claims Act in the United States District Court for the Southern District of Mississippi in *United States ex rel. Rigsby v. State Farm Fire & Cas. Co.*, No. 1:06cv433-HSO-RHW (filed Apr. 26, 2006). The subpoenas should be quashed for the following reasons, among others.

1. State Farm exercised no care whatsoever to avoid seeking materials obviously covered by the attorney-client and attorney-work-product privileges. Many of State Farm's requests call on their face for privileged communications between the Rigsbys and their former attorneys.

2. State Farm's subpoenas are premised upon State Farm's belief that the Rigsbys can assert no privilege regarding communications about their collection of evidence of State Farm's fraud between June 2 and 6, 2006, presumably based on an unfounded assumption that

the Rigsbys' collection constituted a crime or fraud. Yet the Rigsbys' collection of evidence of State Farm's fraud, and subsequent provision of that evidence to law enforcement, is protected activity that Congress expressly authorized in the False Claims Act.

3. Even if the Rigsbys lost their privilege for communications made in furtherance of their June 2 to June 6, 2006 collection of State Farm claim files, the subpoenas demand production of privileged documents and communications that far exceed that limited scope.

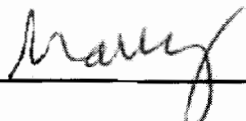
4. Some of State Farm's requests are premised on State Farm's belief that the Rigsbys cannot assert privilege for communications with their attorneys when their mother was present. This, too, is incorrect, because despite their mother's presence at some meetings with their attorneys, the Rigsbys still reasonably understood the meetings to be confidential.

5. To the extent that this Court denies this motion to any extent, it should order that the Scruggses first produce their records to the Rigsbys' current counsel so that current counsel can assert privileges to the material produced on the Rigsbys' behalf.

WHEREFORE, the Rigsbys' ask this Court to enter an order quashing State Farm's subpoenas and such other relief as is just.

Dated: October 23, 2018

Chadwick M. Welch (MSB No. 105588)
WEISBROD MATTEIS & COPLEY PLLC
1022 Highland Colony Parkway, Ste. 203
Ridgeland, MS 39157
Tel: (601) 803-4730
Fax: (601) 427-4801
cwelch@wmclaw.com


C. Maison Heidelberg (MSB No. 9559)
Ginny Y. Kennedy (MSB No. 102199)
WATSON HEIDELBERG, PLLC
2829 Lakeland Drive
Mirror Lake Plaza
Suite 1502
Flowood, Mississippi 39232
Tel: (601) 939-8900
Fax: (601) 932-4400
mheidelberg@whjpllc.com
gkennedy@whjpllc.com

CERTIFICATE OF SERVICE

I, C. Maison Heidelberg, attorney for Cori Rigsby and Kerri Rigsby, do hereby certify that I have this 23rd day of October, 2018, caused the foregoing document to be delivered to the following via electronic mail:

BUTLER SNOW LLP
Post Office Drawer 4248
Gulfport, MS 39502
(P) (228) 575-3025
(E) michael.mccabe@butlersnow.com

BUTLER SNOW LLP
250 Commerce Street, Suite 203
Montgomery, AL 36104
(P) (334) 832-2900
(F) (334) 832-2901
(E) michael.beers@butlersnow.com

BUTLER SNOW LLP
200 Renaissance at Colony Park, Suite 1400
1020 Highland Colony Parkway (39157)
Post Office Box 6010
Ridgeland, MS 39158-6010
(P) (601) 948-5711
(F) (601) 985-4500
(E) phil.abernethy@butlersnow.com
(E) barney.robinson@butlersnow.com
(E) amanda.barbour@butlersnow.com
(E) ben.watson@butlersnow.com

A handwritten signature in cursive script, appearing to read "Mary", is written over a horizontal line.